

03-07-02

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As modified by Blakely, Sokoloff, Taylor &amp; Zafman

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004106.P003D

(maximum 12 characters)

First Named Inventor Sheldon BreinerTitle: ELECTRONIC MAIL MESSAGES AND THEIR USE TO FURTHER  
BUSINESS INTERESTS OF A SYSTEM DIRECTORExpress Mail Label No. EL 867552183 USADDRESS TO: **Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231****APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.   X   **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original and a duplicate for fee processing)
2.        **Applicant Claims Small Entity Status (37 CFR 1.27)**
3.   X   **Specification (Total Pages   23  )**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.   X   **Drawing(s) (35 USC 113) (Total Sheets   3  )**
5.   X   **Oath or Declaration (Total Pages   4  )**
  - a.        Newly Executed (Original or Copy)
  - b.   X   Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 18 completed)
    - i.        **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
    - c.        Unsigned
6.        **Application Data Sheet (37 CFR 1.76)**
7.        **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
8.        **Nucleotide and/or Amino Acid Sequence Submission**  
(if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on:
    - i.        CD-ROM or CD-R (2 copies); or
    - ii.        paper
  - c.        Statement verifying identity of above copies

2/15/02

- 1 -

1c846 U.S. PTO  
03/05/02JC986 U.S. PTO  
10/09/2002  
03/05/02

10094922-030502

# **ACCOMPANYING APPLICATION PARTS**

9. ☐ **Assignment Papers (cover sheet & documents(s))**
10. ☐ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
☐ b. Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ a. Information Disclosure Statement (IDS)/PTO-1449  
☐ b. Copies of IDS Citations
13. ☒ **Preliminary Amendment**
14. ☒ **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ **Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**
- 17A. ☒ Other: Certificate of Express Mail with copy of postcard showing contents.

17B. ☒ Pursuant to 37 C.F.R. 1.136(a)(3), Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18A. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet Under 37 C.F.R. 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)  
 Of Prior Application No.: 09/565,162 Examiner Jeffrey J. Piziali Group Art Unit 2673  
 (which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_,  
 which is a ☐ continuation/ ☐ divisional/ ☐ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
 For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that Wireless Note Systems, Inc. (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel. No. 011109 Frame No. 0946 (a copy of which is attached).

19. Correspondence Address  
☐ Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)  
☒ Correspondence Address Below  
 NAME Stephen M. De Klerk  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
 ADDRESS 12400 Wilshire Boulevard  
Seventh Floor  
 CITY Los Angeles STATE California ZIP CODE 90025-1026  
 Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

Name (PRINT/TYPE): Stephen M. De Klerk Registration No.: 46,503  
 Signature: [Signature] Date: March 5, 2002

**FEE TRANSMITTAL FOR FY 2002**

<b>TOTAL AMOUNT OF PAYMENT (\$)</b>	<b><u>\$938.00</u></b>
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Application No.	Not Yet Assigned
Filing Date	Herewith
First Named Inventor	Sheldon Breiner
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket No.	004106.P003D

1.     **[ X ]   The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:**

**Deposit Account Number** 02-2666  
**Deposit Account Name** \_\_\_\_\_

**[ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17**

**[ ] Applicant claims small entity status. See 37 CFR 1.27.**

2.	<u>  X  </u>	Payment Enclosed:	<u>  X  </u>	Check
			<u>      </u>	Money Order
				Other

**1. BASIC FILING FEE**

<u>Large Entity</u>		<u>Small Entity</u>			
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)	<u>Fee Description</u>	<u>Fee Paid</u>
101	740	201	370	Utility application filing fee	\$740.00
106	330	206	165	Design application filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional application filing fee	
<b>SUBTOTAL (1)</b>					<b>\$740.00</b>

## 2. EXTRA CLAIM FEES

2. <u>EXTRA CLAIM FEES</u>				<u>Fee from below</u>	<u>Fee Paid</u>
		<u>Extra Claims</u>			
Total Claims	<u>31</u>	- 20** = <u>11</u>	X	\$ 18.00	= \$198.00
Independent Claims	<u>3</u>	- 3** = <u>3</u>	X	84.00	= 0.00
Multiple Dependent					=

**\*\*Or number previously paid, if greater; For Reissues, see below.**

<u>Large Entity</u>		<u>Small Entity</u>		
Fee	Fee	Fee	Fee	
Code	(\$)	Code	(\$)	<u>Fee Description</u>
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)    \$ 198.00**

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

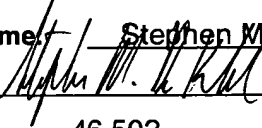
<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
099	8,800	099	8,800	Request for inter partes reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	920	217	460	Extension for response within third month	
118	1,440	218	720	Extension for response within fourth month	
128	1,960	228	980	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavoidably abandoned application	
141	1,280	241	640	Petition to revive unintentionally abandoned application	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee/provisional applications; 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt.	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
148	110	248	55	Statutory Disclaimer	
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
169	900	169	900	Request for expedited examination of a design application	
179	740	279	370	Request for Continued Examination (RCE)	
194	130	194	130	Request for voluntary publication or republication	
195	300	195	300	Publication fee for early, voluntary, or normal pub.	
196	300	196	300	Publication fee for republication	
098	130	098	130	Processing fee under 37 C.F.R. 1.17(i) (except provisionals)	
091	1,280	091	1,280	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Stephen M. De KlerkSignature:  Date: March 5, 2002Reg. Number: 46,503 Telephone Number: (408) 720-8300

## EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EL 867552183 US

Date of Deposit: March 5, 2002

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C., 20231.

Linda K. Brost

(Typed or printed name of person mailing paper or fee)

Linda K. Brost

(Signature of person mailing paper or fee)

March 5, 2002

(Date signed)

**EL 867552183US**

Serial/Patent No.: Not Yet Assigned Filing/Issue Date: Herewith  
Client: Wireless Note Systems, Inc.  
Title: ELECTRONIC MAIL MESSAGES AND THEIR USE TO  
FURTHER BUSINESS INTERESTS OF A SYSTEM DIRECTOR  
BSTZ File No.: 004106.P003D Atty/Sec'y Initials: SMD/1kb  
Date Mailed: March 5, 2002 Docket Due Date: \*\*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No.: <u>EL867552183US</u> <input checked="" type="checkbox"/> Check No.: <u>48652</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$938.00</u>
<input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.) <input type="checkbox"/> Check No.: _____
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal Amt: _____
<input checked="" type="checkbox"/> Application - Rule 1.53(b) Divisional ( <u>23</u> pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input checked="" type="checkbox"/> Preliminary Amendment ( <u>9</u> pgs.)
<input checked="" type="checkbox"/> Assignment <del>ENCLOSURE</del> (copy/parent)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts
<input checked="" type="checkbox"/> Declaration & POA ( <u>4</u> pgs.) (copy/parent)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate ( <u>2</u> pgs.)
<input checked="" type="checkbox"/> Drawings: <u>3</u> # of sheets includes <u>3</u> figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate ( <u>2</u> pgs.)

☒ Other: Certificate of Express Mailing with copy of postcard  
showing contents of Express Mail packet.